UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GRANT IMPORTING & DISTRIBUTING CO., INC., HAYES BEER DISTRIBUTING COMPANY, L&V DISTRIBUTORS, INC., CHICAGO BEVERAGE SYSTEMS LLC, JOSEPH MULLARKEY DISTRIBUTORS, INC., TOWN & COUNTRY DISTRIBUTORS, INC., KOZOL BROS., INC., FRED W. LOSCH BEVERAGE CO., and SCHAMBERGER BROS., INC., Plaintiffs,	)	No.: 08 C 1269
vs.	)	Judge Lefkow
AMTEC INTERNATIONAL OF NY CORP., individually and d/b/a EUROPEAN BEER IMPORTERS, INC., and ADVANCED BRANDS & IMPORTING CO., INC., d/b/a STAR BRAND IMPORTS, Defendants.	)	

MOTION FOR ORDER OF REMAND

NOW COME the Plaintiffs, Grant Importing & Distributing Co., Inc., Hayes Beer Distributing Company, L & V Distributors, Inc., Chicago Beverage Systems, LLC, Joseph Mullarkey Distributors, Inc., Town & Country Distributors, Inc., Kozol Bros., Inc, Fred W. Losch Beverage Co., and Schamberger Bros., Inc., by their attorneys, the Law Offices of Bozich & Korn and Kralovec Meenan, LLP, and move this Court for an Order remanding the above entitled cause to the Circuit Court of Cook County, Illinois, Chancery Department, from whence this cause was removed. In support thereof, Plaintiffs state as follows:

1. Defendant Amtec filed a notice of removal of the above cause to the Northern District on or about March 3, 2008, alleging diversity in support of its removal.

2.Plaintiffs' cause of action was improperly removed to this Court as this cause is not within the original jurisdiction of this Court, nor may the action therefore be removed to this Court.

3. The grounds in support of this Motion to Remand is that there is no requisite complete diversity of citizenship among the named Defendants, as named Defendant European Beer Importers, Inc. is an Illinois corporation, and has been incorporated in Illinois since April 3, 2002, and has its principal place of business in Melrose Park, Illinois, and therefore is an Illinois resident, and properly joined in this action. See Illinois Secretary of State Certificate of Good Standing, attached as Exhibit 1.

4. Both the caption of Plaintiffs' Complaint and the body of the Complaint properly allege Plaintiffs' cause of action against three Defendants, including Defendant European Beer Importers, Inc. See Exhibit 2 attached. On information and belief, European Beer Importers, Inc., has been registered with the Illinois Liquor Control Commission as the importer/distributor of Zywiec Beer in Illinois since January 28, 2008, which further evidences that this Defendant is no nominal party in the litigation filed by the Plaintiffs. Further, Plaintiffs' prayers for damages seek recovery against both Defendants Amtec and European Beer Imports.

4. Defendant Amtec's removal of this cause to this Court is wrongful and made in bad faith. The State Court proceeding was set for hearing on Plaintiffs' Motion for Temporary Restraining Order for March 4, 2008, at 10:30 a.m. before Judge James Epstein in room 2405 of the Daley Center. The sole basis for removal appears to have been to delay the entry of such a TRO against the Defendants, given the timing of the removal. Prior to presenting this motion, Plaintiffs' counsel spoke with Amtec's counsel and requested Amtec's voluntary remand of this matter, and Defendant's counsel was advised that European Beer Imports, Inc. is an Illinois corporation, and that therefore there is no complete diversity among the Defendants. Defendant's counsel refused to remand this case. See Exhibit 3 attached. Plaintiffs should therefore be awarded their attorney fees and costs of removal, pursuant to 28 USC 1447 (c), by reason of Defendant's wrongful removal.

WHEREFORE, Plaintiffs pray for the entry of an Order by this Court remanding this cause to the Circuit Court of Cook County, Illinois, from whence it was removed and for Plaintiffs' attorney fees and costs of remand to be assessed against Defendant Amtec.

LAW OFFICES OF BOZICH & KORN, and
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